

REMARKS

Claims 1, 3-6, 8-15, 18-28, 30, 32-33, 36-37, 39-40, 43-46, and 48-52 remain in the application. By the present amendment, claims 2, 17, and 47 have been cancelled, without prejudice or disclaimer. Claims 1, 3, 14-15, 36, 43, and 48 have been amended hereby.

The claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present amendment.

Reconsideration is respectfully requested of the rejection of claim 36 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Office Action states that the specification does not describe accounting setting means that does not set the amount of the fee to be imposed on the terminal apparatus when the content ID is placed in the purchase information and the content information corresponding to the content ID stored in the second storage means is accessed by the access control means (see Office Action, p. 2, lns. 11-21).

More particularly, the Office Action states that the specification does not disclose that the content ID is placed in the purchase information as a condition to receive supply of the contents data from the distribution apparatus side without purchasing the contents data newly (see id.).

The specification of the present application states:  
"... if the storage capacity of the user side is not

sufficient and therefore the user erases, for example, certain contents data, only if the right of the contents data is kept, then the user can receive supply of the contents data from the distribution apparatus side without purchasing the contents data newly" (see specification of the present application, p. 11, lns. 3-8).

Furthermore, the specification discloses a plurality of databases stored in database storage area (element 111), including a contents purchase database (element 111-1) (see id., p. 45, lns. 4-24; Fig. 5). Contents of the databases are stored for each user, and each database may have user ID information so that it may have information corresponding to each user (see id.).

As stated at p. 45, lns. 18-24 of the specification, "[t]he contents purchase database 111-1 stores information ... and includes information of a user ID, a purchased content ID, purchased contents name information, purchased contents quantity information, purchase history information and so forth" (see id.).

Additionally, in describing processes of the distribution center side, the specification states "... the distribution center side modifies the databases in accordance with a result of the processes in next step S121. In particular, for example, the contents purchase database 111-1 is updated first. Consequently, it is settled that the user has a right of the contents data downloaded this time, and thereafter, management is performed by the distribution center side. It is to be noted that, even if

actually a downloading process of contents data should result in failure, the distribution center side produces the databases so as to manage that the right of the content data is possessed by the user'' (see id., p. 66, ln. 20 to p. 67, ln. 6; Fig. 6).

Furthermore, it is respectfully submitted that "... claim language cannot be read in a vacuum, but instead must be read in light of the specification as it would be interpreted by one of ordinary skill in the pertinent art'' See In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

Accordingly, it is respectfully submitted that claim 36 complies with the requirements of 35 U.S.C. § 112, first paragraph.

Withdrawal of the rejection of claim 36 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 1, 8-12, and 14 under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 6,460,076 (Srinivasan).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 1, 8-12, and 14 are patentably distinct over the cited reference for at least the following reasons.

The present invention relates to a communication system, a communication method, a distribution apparatus, a distribution method, and a terminal apparatus for

distributing audio data. First and second storage means are included, and control means are included for accessing the content information stored in the first and second storage means based on a single set of management information for managing the content information.

Srinivasan, as understood by Applicants, relates to an apparatus and method for pay per record downloading and recording of data files over a data network. A server connected to the world wide web includes a database which includes a number of data files for sale to customers. A web page is provided on the server for customers to access and view the products for sale.

A recorder for recording the information upon a portable medium is connected to the user interface of Srinivasan. Once the information is downloaded over the data network into memory, a plugin in a web browser decompresses and unencrypts the file and begins the transfer process to the media recorder. Upon completion of the recording, a confirmation message is sent to the server and the user is billed for the download. After the billing process is complete, the plugin deletes the file from the computer memory and unlocks the portable medium to that the user may play the information on another device.

As understood by Applicants, the web browser of Srinivasan is resident on the user interface and is used to access the service provider's web pages (see Srinivasan, col. 2, lns. 16-36).

Incorporated into the web browser of Srinivasan on the

user interface is a plugin that controls the processes performed during the download and transfer of files, and that is compatible with any software installed on the user interface for recording information (see id., lns. 37-55). The customer uses the web browser and incorporated plugin to establish a connection with the service provider's web site and associated web pages (see id.).

The web browser and plugin of Srinivasan, as understood by Applicants, are used to allow the user to access the server, and to relay information, such as status messages, to the server (see id., col. 6, lns. 30-32).

It is respectfully submitted, however, that Srinivasan does not suggest or disclose control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information for managing the content information stored in the first storage means and the second storage means, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as recited in amended independent claim 1.

Furthermore, the session ID, member ID, and credit card information do not manage content information stored in first storage means.

In contrast, the control means of the present invention accesses the content information based on a single set of

management information. As stated in the specification of the present invention, the table of contents (TOC) is structured such that "... the TOC contents for management of contents data stored on each of the apparatuses (server 1, distribution terminal apparatus 2, and portable terminal apparatus 3) which forms the data distribution system and the TOC contents for management of contents data stored in at least one kind of the other apparatus are associated with each other. In other words, the TOC in the present embodiment does not have contents that are complete and independent of each other among the server 1, distribution terminal apparatus 2, and the portable terminal apparatus 3, but has contents common between different ones of the server 1, distribution terminal apparatus 2, and the portable terminal apparatus 3" (see specification of the present application, p. 77, lns. 2-16).

In the section entitled "Response to Arguments" the Office Action cites the disclosure in Srinivasan of a session ID that is generated and stored in the server against a member ID or credit card information (see Office Action, p. 3, lns. 22-29).

The Office Action further states that the session ID is included in a set of management information that is used to control use of the plugin as a means for reading data from the server and writing data into the portable media, and that use of the session ID and the name of the temporary file allegedly disclose control means for accessing content information in first and second storage means based on a

single set of management information (see id., p. 4, lns. 13-20). Applicants respectfully disagree.

As understood by Applicants, the session ID of Srinivasan is generated by the server at the start of a new session, and is passed to the browser (see Srinivasan, col. 5, lns. 13-37). The session ID is stored in the server against a member ID or credit card information and is used for billing the user (see id.).

It is submitted, however, that the session ID of Srinivasan does not include a logical address corresponding to a physical address at which content information is stored in the storage means.

In contrast, the control means of the present invention accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as recited in amended independent claim 1.

The Office Action further refers to remarks presented in the Amendment filed February 5, 2004 regarding the previous rejection of claims 1, 8-12, and 14, and states that the feature of a single set of management information is not recited in the rejected claims (see Office Action, p. 5, lns. 16-22).

It is respectfully submitted that at least amended independent claims 1 and 14 recite accessing the stored content information based on a single set of management

information.

The Office Action also cites col. 4, lns. 35-39 of Srinivasan as allegedly disclosing that "... a charge imposed on a user increases in accordance with a capacity of use of the server" (see Office Action, p. 5, lns. 8-15).

Col. 4, lns. 35-39 of Srinivasan states "[t]hese data files in the database may also contain information related to the charges for the recording and the time it may take for the customer's user interface to record the data file on the memory of the user interface and then make the transfer to the media recorder employed by the system user."

It is submitted, however, that the above-quoted section of Srinivasan does not disclose or suggest that the information related to the charges is based upon or corresponds to the time it make take for the user interface to record the data.

It is respectfully submitted that Srinivasan does not disclose or suggest a communication system comprising first storage means for storing a plurality of pieces of content information, second storage means for storing a plurality of pieces of content information, control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information, communication means for interconnecting the first storage means, the second storage means, and the control means for communication, and accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a



capacity of use of the second storage means by the user, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as described above and as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1 and the claims depending therefrom are patentable over the cited reference. Amended independent claim 14 is believed to be patentable over the cited reference for at least similar reasons.

Reconsideration is respectfully requested of the rejection of claims 2-4 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of U.S. Patent No. 5,117,350 (Parrish et al.).

Applicants have carefully considered the comments of the Office Action and the cited references and respectfully submit that claims 3-4 are patentably distinct over the cited references for at least the following reasons.

Parrish et al., as understood by Applicants, relates to a memory address mechanism in a distributed memory architecture. A computer system has plural nodes interconnected by a common broadcast bus, with each node having memory and at least one node having a processor. The system has a dynamically configurable memory that may be

located within the system address space of a distributed system architecture including memory within each node having a processor and the memory resident within other nodes.

The memory in the system address space of Parrish et al. is addressable by system physical addresses that are isolated from the physical addresses for memory in each node. The node physical addresses are translatable to and from the system physical addresses by partition maps located in partition tables at each node. Memory located anywhere in the distributed system architecture may be partitioned dynamically and accessed on a local basis by programming the partition tables stored in partitioning RAMs.

For at least the reasons set forth above, it is submitted that Srinivasan does not disclose or suggest control means that accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address.

The Office Action cites Parrish et al. as disclosing control means that accesses content information stored at a predetermined physical address of the first and second storage means based on a single set of management information described with a logical address corresponding to the physical address.

As understood by Applicants, the memory address system of Parrish et al. concerns a dynamically configurable memory located in a distributed system architecture, addressable as

a local bus memory (see Parrish et al., col. 4, lns. 51-64). A translation mechanism is used to convert local bus memory addresses to secondary interconnect bus memory addresses, and may include partitioning RAMs at each functional unit that responds to an input address and read out a stored translation address (see id.).

It is respectfully submitted, however, that the system of bus memory address translation as described by Parrish et al., alone or in combination with Srinivasan, does not disclose or suggest a communication system comprising first storage means for storing a plurality of pieces of content information, second storage means for storing a plurality of pieces of content information, control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information, communication means for interconnecting the first storage means, the second storage means, and the control means for communication, and accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a capacity of use of the second storage means by the user, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as described above and as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1 and the claims depending therefrom, including claims 2-4, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claim 5 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Parrish et al. and U.S. Patent 6,430,620 (Omura et al.); and of claim 6 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Parrish et al., Omura et al., and U.S. Patent No. 6,154,744 (Kenner et al.).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 5 and 6 are patentably distinct over the cited references for at least the following reasons.

For at least the reasons set forth above, it is submitted that amended independent claim 1 and the claims depending therefrom are patentable over Srinivasan in view of Parrish et al.

Omura et al., as understood by Applicants, relates to a system and method for locating and retransferring lost data through the use of position number within a file. A request for change of rate is made from a client in correspondence to the state of vacancy of a receiving buffer, and the send rate on the server is changed based on the request for change of rate, to prevent any overflow of stream data from the receiving buffer. Based on a re-transfer request issued from the client in correspondence to the loss of stream data

received by the packet receiving means, storing means on the server sends out data corresponding to lost data concerned, to compensate in case of occurrence of data loss.

The re-sending operation of Omura et al., as understood by Applicants, relates to retransmission of data packets within a continuous stream of data. That is, the transfer control of Omura et al. is directed to providing a reliable stream data transfer method and system by lowering the send rate from the server before any loss of data is produced on the buffer of the client and to provide for transmission of the lost data again, even if there are data lost in the buffer of the client (see Omura et al., col. 2, lns. 54-62).

A re-transfer requesting means is provided on the client of Omura et al. to monitor loss of data received by packet receiving means, and to make a request for re-transfer of the data corresponding to the lost data (see id., col. 3, lns. 40-47). Re-transfer controlling means is provided on the server to perform re-transmission of the stream data corresponding to the lost data (see id.).

Kenner et al., as understood by Applicants, relates to a system and method for optimized storage and retrieval of data on a distributed computer network. "Smart Mirror" sites are deployed throughout a network, each of which maintains a copy of certain data managed by the system. Every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites. Generalized network performance data is collected and stored to facilitate the

selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks.

It is submitted that Srinivasan, alone or in combination with either of Parrish et al., Kenner et al., or Omura et al., does not suggest or disclose control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information for managing the content information stored in the first storage means and the second storage means, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1 and the claims depending therefrom, including claims 5 and 6, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 13, 15, 18, and 22-26 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of U.S. Patent No. 6,385,596 (Wiser et al.)

Applicants have carefully considered the comments of the Office Action and the cited reference, and respectfully submit that claims 13, 15, 18, and 22-26 are patentably

distinct over the cited reference for at least the following reasons.

Wiser et al., as understood by Applicants, relates to a computer implemented online music distribution system that provides for secure delivery of audio data and related media, over a public communications network. The online music distribution system provides security through multiple layers of encryption, and the cryptographic binding of purchased audio data to each specific purchaser. The online music distribution system also provides for previewing of audio data prior to purchase.

The system of Wiser et al. includes a content manager, a delivery server, and an HTTP server communicating with a client system including a web browser and a media player. The content manager provides for management of media and audio content, and processing of purchase requests. The delivery server provides delivery of the purchased media data. The web browser and HTTP server provide a communications interface over the public network between the content manager and media players. The media player provides for encryption of user personal information, and for decryption and playback of purchased media data.

A digital passport in each media player of Wiser et al. contains identifying information that identifies the purchaser, along with confidential information, such as credit card number, and encryption data, such as the media player's public and private keys. The media player encryption data is used to encrypt purchased media data,

which is decrypted in real time by the media player.

Regarding claim 13, it is submitted that neither Wiser et al. nor Srinivasan, alone or in combination, disclose or suggest a communication system comprising first storage means for storing a plurality of pieces of content information, second storage means for storing a plurality of pieces of content information, control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information, communication means for interconnecting the first storage means, the second storage means, and the control means for communication, and accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a capacity of use of the second storage means by the user, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as described above and as recited in amended independent claim 1.

Regarding claim 15, the Office Action notes that Srinivasan does not disclose accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the storage means by the user (see Office Action, p. 25, lns. 1-10).

The Office Action, however, again cites col. 4, lns.



35-39 of Srinivasan as allegedly disclosing that a fee imposed on a user by the system "... increases in accordance with a capacity of use of the server" (see Office Action, p. 25, lns. 12-18). The Office Action further states that "[o]bviously, more of requested data increase time of using the server for downloading, also the charge imposed on the user" (see id.). Applicants respectfully disagree.

As understood by Applicants, the service provider of Srinivasan hosting the server provides access to the server upon authentication of the user, and utilizes webpages to view available media (see Srinivasan, col. 4, lns. 21-40). The database connected to the server contains multimedia data and related information (see id.).

Srinivasan states: "[t]hese data files in the database may also contain information related to the charges for the recording and the time it may take for the customer's user interface to record the data file on the memory in the user interface and then make the transfer to the media recorder employed by the system user" (id.).

As understood by Applicants, the sections of Srinivasan cited in the Office Action describe information related to the multimedia data that describes charges for the recording, along with an estimated recording time.

It is submitted that there is no suggestion or disclosure that either the charges or the estimated recording time are in any way correlated to each other or to a capacity of use of the storage means, as stated by the Office Action.

The Office Action further notes that Srinivasan fails to disclose management information including an address representative of a storage location of content information stored in the storage means (see Office Action, p. 25, lns. 10-12). The Office Action cites Wiser et al. as disclosing the missing element (see id., p. 27, lns. 14-15).

As understood by Applicants, the section of Wiser et al. cited by the Office Action relates to media vouchers created by the content manager for each purchase or preview of a media data file (see Wiser et al., col. 8, lns. 19-41). The voucher contains a voucher ID and a media ID, and is provided to the media player of the user (see id.).

In contrast, the control means of the present invention produces management information for each user in response to access to the content information in accordance with the user request, and stores the produced management information into the storage means of the distribution apparatus. The server recognizes the content information owned by each user using the produced management information.

It is respectfully submitted that neither Srinivasan nor Wiser et al., alone or in combination, disclose or suggest control means for accessing the content information stored in the first storage means and the second storage means based on a single set of management information for managing the content information stored in the first storage means and the second storage means, wherein the control means accesses the content information stored at a predetermined physical address of each of the first storage

means and the second storage means based on the single set of management information described with a logical address corresponding to the physical address, as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claims 1 and the claims depending therefrom, including claim 13, are patentable over the cited references. Amended independent claim 15, and the claims depending therefrom, are believed to be patentable over the cited references for at least similar reasons.

Reconsideration is respectfully requested of the rejection of claims 17 and 19 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Wiser et al. and Parrish et al.

Applicants have carefully considered the comments of the Office Action and the cited references and respectfully submit that claims 17 and 19 are patentably distinct over the cited references for at least the following reasons.

For at least the reasons set forth above, independent claim 15 is believed to be patentable over Srinivasan in view of Wiser et al.

The Office Action again cites Parrish et al. as disclosing control means that accesses content information stored at a predetermined physical address of the first and second storage means (see Office Action, p. 30, lns. 15-19).

It is respectfully submitted that Parrish et al. does not disclose the control means of the present invention for

at least the reasons set forth in the remarks above.

It is respectfully submitted that neither Srinivasan nor Wiser et al. nor Parrish et al., alone or in combination, show or suggest a distribution apparatus, comprising storage means, communication means, accounting setting means for setting an amount of a fee to be imposed on a user who requests use of the storage means from an external apparatus in response to a capacity of use of the storage means by the user, and control means for accessing contents information stored in the storage means based on management information stored in the storage means in response to a user request by the user, wherein the control means produces management information for each user in response to access to the content information in accordance with the user request and stores the produced management information into the storage means, the management information including at least an ID of the user and an address representative of a storage location of the content information stored in the storage means, and the control means accesses the contents information stored at a predetermined physical address of the storage means based on the management information described with a logical address corresponding to the physical address, as recited in amended independent claim 15.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 15 and the claims depending therefrom, including claims 17 and 19, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claim 20 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Wiser et al. and Omura et al.; and of the rejection of claim 21 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Srinivasan in view of Wiser et al., Omura et al., and Kenner et al.

Applicants have carefully considered the comments of the Office Action and the cited references and respectfully submit that claim 20 and 21 are patentably distinct over the cited references for at least the following reasons.

It is submitted that for at least the reasons set forth above, independent claim 15, and the claims depending therefrom, are patentable over Srinivasan in view of Wiser et al.

It is respectfully submitted that neither Srinivasan, Wiser et al., Omura et al. nor Kenner et al., alone or in combination, show or suggest a distribution apparatus, comprising storage means, communication means, accounting setting means for setting an amount of a fee to be imposed on a user who requests use of the storage means from an external apparatus in response to a capacity of use of the storage means by the user, and control means for accessing contents information stored in the storage means based on management information stored in the storage means in response to a user request by the user, wherein the control means produces management information for each user in response to access to the content information in accordance

with the user request and stores the produced management information into the storage means, the management information including at least an ID of the user and an address representative of a storage location of the content information stored in the storage means, and the control means accesses the contents information stored at a predetermined physical address of the storage means based on the management information described with a logical address corresponding to the physical address, as described above and as recited in amended independent claim 15.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 15 and the claims depending therefrom, including claims 20 and 21, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 30 and 32-33 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of Parrish et al.; and of claims 36-37, 39-40, 43-46, and 49-51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wiser et al.

Applicants have carefully considered the comments of the Office Action and the cited references and respectfully submit that claims 30, 32-33, 36-37, 39-40, 43-46, and 49-51 are patentably distinct over the cited references for at least the following reasons.

As understood by Applicants, Wiser et al. discloses a web page for selecting a preview of a media data file prior to purchase (see Wiser et al., col. 14, lns. 36-64; Fig. 8).

The page includes a link to the HTTP server, and when the link is clicked the web browser requests a preview of a corresponding media file from the HTTP server (see id.). The HTTP server receives the preview request and invokes the content manager to validate that the media data file exists based on the media ID (see id.).

After verification and identification of an available delivery server in the system of Wiser et al., the content manager generates a media voucher and sends it to the HTTP server (see id., col. 15, lns. 19-61). The HTTP server then returns an HTTP response with the voucher information to the web browser, and the web browser invokes the media player to play the streamed preview from the delivery server (see id.).

Regarding the rejection of claim 30, it is respectfully submitted that Wiser et al. does not suggest or disclose selection means for selecting one content ID of the plurality of content IDs received by the communication means, wherein the control means controls the communication means to transmit the selected content ID to the distribution apparatus.

The Office Action again cites Parrish et al. as allegedly disclosing a logical address corresponding to a predetermined physical address of a storage system (see Office Action, p. 37, lns. 4-9).

It is respectfully submitted that Parrish et al. does not disclose a logical address corresponding to a predetermined physical address for at least the reasons set

forth in the remarks above.

It is respectfully submitted that neither Wiser et al. nor Parrish et al., alone or in combination, disclose or suggest selection means for selecting one content ID of the plurality of content IDs received by the communication means, and control means for controlling the communication means to transmit the at least one content ID to the distribution apparatus in response to the user request and storing addresses corresponding to the content IDs received from the distribution apparatus into the storage means, wherein the control means controls the communication means to transmit the addresses stored in the storage means to the distribution apparatus such that the communication means receives the content information associated with the addresses from said distribution address at any time the terminal apparatus requests the content information corresponding to the content ID from the distribution apparatus after storing the addresses received from the distribution apparatus into the storage means, the control means controls the communication means to transmit the content ID selected by the selection means to the distribution apparatus, and the control means stores a logical address corresponding to a predetermined physical address of a storage medium provided in the distribution apparatus at which the content information received in response to the user request by the communication means is stored into the storage means, as recited in independent claim 30.



Regarding the rejection of independent claim 36, it is respectfully submitted that Wiser et al. does not disclose or suggest accounting setting means for setting an amount of a fee to be imposed on the terminal apparatus in response to the purchase information, wherein the accounting setting means does not set the amount of the fee to be imposed on the terminal apparatus when the content ID is placed in the purchase information and the content information corresponding to the content ID stored in the second storage means is accessed by the access control means, as recited in amended independent claim 36.

In the section entitled "Response to Arguments" the Office Action states that the disclosure by Wiser et al. of a "Buy" and "Click Here for Free Preview" buttons in Fig. 8 indicates a control means for controlling the communication means to transmit the at least one content ID to the distribution apparatus in response to the user request (see Office Action, p. 7, ln. 23 to p. 8, ln. 2).

It is respectfully submitted, however, that Wiser et al. does not disclose storage control means for placing a content ID stored in the second storage means into purchase information managed for each terminal apparatus and stored in second storage means after content information associated with the content ID is purchased in response to a request from said terminal apparatus, as recited in amended independent claim 36.

Regarding the rejection of independent claim 43, the Office Action cites Fig. 1 of Wiser et al., stating "[a]s

shown in FIG. 1 is a system for the secure distribution of music and related media over the Internet. The system includes a music distribution center 124, which operates with any number of client systems 126 as a terminal apparatus. The client system has media player for storing media data files onto a recordable CD" (see Office Action, p. 43, lns. 4-8).

As understood by Applicants, the Office Action states that multiple client systems correspond to second and third storage media.

In the present invention, however, the first storage medium is provided in the server apparatus, the second storage medium is provided in the distribution terminal apparatus, and the third storage medium is provided in the terminal apparatus.

Furthermore, Applicants respectfully submit that Wiser et al. does not suggest or disclose a controller for controlling access to any of said first, said second, and said third storage media based on management information for managing said content information stored in at least two of said first, said second, and said third storage media with a single table of contents, wherein said controller accesses said content information stored at a predetermined physical address of each of said first and said second storage media based on said management information described with a logical address corresponding to said physical address, as recited in amended independent claim 43.

Accordingly, for at least the above-stated reasons, it

is respectfully submitted that independent claims 30, 36, and 43, and the claims depending therefrom, are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claim 52 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of U.S. Patent No. 6,567,847 (Inoue).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claim 52 is patentably distinct over the cited references for at least the following reasons.

The Office Action notes that Wiser et al. does not disclose digital audio compressed in an ATRAC format (see Office Action, p. 51, lns. 1-10). Inoue is apparently cited as showing the missing element.

Inoue, as understood by Applicants, relates to a data transmitting and receiving system wherein a data file produced by a user can be uploaded into a server and the updated data file can be downloaded to another user.

Independent claim 43 is believed to be patentable over Wiser et al. for at least the reasons stated above.

It is submitted that neither Wiser et al. nor Inoue, alone or in combination, disclose or suggest a controller for controlling access to any of the first, second, and third storage media based on management information for managing the content information stored in at least two of the first, second, and third storage media with a single table of contents, wherein the controller accesses the

content information stored at a predetermined physical address of each of the first and the second storage media based on said management information described with a logical address corresponding to the physical address, as recited in independent claim 43.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that claim 52 is patentable over the cited references.

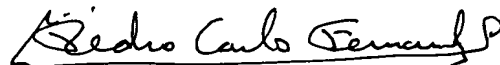
Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search, because the functional aspects of the invention have merely been clarified in the amended claims.

The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
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PCF/AVF